

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2105

Introduced by Assembly Member Frazier

February 20, 2014

An act to amend Sections 3953 and 4902 of, and to add Section 709 to, the Fish and Game Code, relating to mammals.

LEGISLATIVE COUNSEL'S DIGEST

AB 2105, as amended, Frazier. Big game mammals: bighorn sheep.

Existing law, except as provided, prohibits the taking or possession of fully protected mammals or parts of those mammals at any time. Existing law establishes a list of fully protected mammals, including bighorn sheep (*Ovis canadensis*) generally, but excepts Nelson bighorn sheep (subspecies *Ovis canadensis nelsoni*) under specified circumstances.

Existing law requires all money collected under the provisions of the Fish and Game Code, including money received as a result of the sale of licenses issued under the provisions of the code, to be deposited into the Fish and Game Preservation Fund, unless otherwise provided. Existing law grants authority to the Department of Fish and Wildlife to issue tags, stamps, and licenses for the hunting of antelope, elk, deer, wild pigs, bear, and bighorn sheep upon payment of a fee, to be deposited into the Big Game Management Account in the Fish and Game Preservation Fund. Existing law authorizes the Fish and Game Commission to set the cost of a Nelson bighorn ram tag at not more than \$500.

The bill would require the department to authorize a nonprofit organization designated by the department to assist in the sale of these tags to retain 5% of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee. This bill would require the selling nonprofit organization, within 30 days of the date of the sale, to send the department ~~a check for~~ 95% of the total auction sale price of the tag, *less any applicable credit card fees*, with an itemized receipt showing the sale price and the 5% reduction *and any reimbursement for credit card fees* retained by the nonprofit organization as a vendor's fee. This bill would authorize the nonprofit organization, if the buyer of the tag paid with a credit card, to also deduct the amount of the credit card fee from the selling price, provided a documented accounting of the fee is provided.

The bill would set a Nelson bighorn ram tag at \$400 for residents and would require the commission, on or before July 1, 2015, by regulation, to fix the fee for a nonresident of the state at not less than \$1,500 for the same tag. The bill would subject the price of each tag to an annual specified adjustment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares all of
- 2 the following:
- 3 (a) The National Survey of Fishing, Hunting, and
- 4 Wildlife-Associated Recreation has been conducted since 1955
- 5 and is one of the oldest and most comprehensive continuing
- 6 recreation surveys.
- 7 (b) A National Survey of Fishing, Hunting, and
- 8 Wildlife-Associated Recreation conducted by the United States
- 9 Fish and Wildlife Service in 2011 found all of the following:
- 10 (1) Over 90,000,000 United States residents 16 years of age and
- 11 older participated in wildlife-dependent recreation.
- 12 (2) Individuals participating in wildlife-dependent recreation
- 13 spent \$145,000,000,000 in 2011 on their activities, which equated
- 14 to 1 percent of the gross domestic product.
- 15 (3) In 2011 alone, hunters and anglers spent \$90,000,000,000
- 16 on equipment, travel, licenses and fees, and other related expenses,
- 17 while wildlife viewers spent ~~\$45,700,000,000~~ \$55,000,000,000.

1 ~~(4) According to the California Department of Fish and Wildlife,~~
2 ~~hunters and anglers spend \$3,500,000,000 in California annually.~~
3 ~~In addition, the department reported the following:~~

4 ~~(5) Spending by hunters and anglers directly supports 56,000~~
5 ~~jobs in California and generates \$487,500,000 annually in state~~
6 ~~and local taxes.~~

7 ~~(6) Hunting and fishing supports more jobs than any employer~~
8 ~~in California.~~

9 ~~(7) Jobs supported by hunters and anglers pay California~~
10 ~~employees more than \$2,300,000,000 in salaries and wages~~
11 ~~annually.~~

12 ~~(8) The economic stimulus of hunting and fishing equates to~~
13 ~~\$18,000,000 each day being pumped into the California economy.~~

14 ~~(4) Hunters and anglers spend \$3,200,000,000 in California~~
15 ~~annually.~~

16 ~~(9)~~

17 ~~(c) Hunter-generated dollars helped purchase and maintain~~
18 ~~1,000,000 acres of state-owned lands in California.~~

19 ~~(10)~~

20 ~~(d) Hunting and fishing license tag and stamp sales generate~~
21 ~~\$83,000,000 about \$28,000,000 annually for the California~~
22 ~~Department of Fish and Wildlife's conservation and scientific~~
23 ~~efforts.~~

24 ~~(11) Over~~

25 ~~(e) Hunters have assisted in the restoration, enhancement, and~~
26 ~~protection of over 700,000 acres of wetland habitat has been~~
27 ~~restored, enhanced, and protected in California by hunters since~~
28 ~~1988.~~

29 ~~(12)~~

30 ~~(f) Hunters generate more than \$9,000,000 annually for~~
31 ~~California via the Pittman-Robertson Federal Aid in Wildlife~~
32 ~~Restoration Act, federal legislation lobbied for and passed by~~
33 ~~hunters in 1937.~~

34 ~~(13)~~

35 ~~(g) Hunting and angling serve as the cornerstone of the North~~
36 ~~American Model of Wildlife Conservation, and serve as the~~
37 ~~primary a source of funding for conservation efforts in North~~
38 ~~America.~~

39 ~~(14) The desert bighorn sheep is the most coveted and treasured~~
40 ~~big game animal in the State of California with special~~

1 ~~(h) Special auction~~ hunting tags ~~necessary for their harvest~~
2 ~~selling at auction for sell for up to~~ hundreds of thousands of dollars
3 with the revenue going back to the Department of Fish and Wildlife
4 ~~for needed wild sheep~~ habitat projects and research.

5 ~~(15)~~

6 (i) In 1986, the Legislature fixed the *maximum* price of both
7 resident and nonresident bighorn desert sheep tags in statute at
8 \$500, ~~without the ability to adjust for inflation or demand~~, and
9 permits no more than 15 percent of these tags to be auctioned as
10 discussed above.

11 ~~(16)~~

12 (j) According to the Bureau of Labor Statistics, from October
13 of 1986 to October of 2013, inclusive, the cost of living has
14 increased by 112 percent. Considering inflation alone, the \$500
15 tag fee from 1986 should have risen to \$1,060 by 2013 based on
16 inflation.

17 ~~(17) As the least plentiful of the four species of wild mountain~~
18 ~~sheep that inhabit North America, the demand for desert bighorn~~
19 ~~sheep tags has grown significantly since 1986. In other states,~~
20 ~~prices for tags for much more abundant wild sheep have risen~~
21 ~~sharply since 1986.~~

22 ~~(18)~~

23 (k) Nonresident desert bighorn sheep tags are available in only
24 six states, making that desert bighorn tag the most difficult to
25 acquire. In 2013, California offered hunters only 20 desert bighorn
26 sheep tags in the public draw. Thirteen thousand four hundred
27 thirty-five hunters applied for those 20 tags, up from 4,628 who
28 applied just 15 years earlier in 1999. Despite the huge increase in
29 demand, the \$500 tag fee has remained unchanged.

30 ~~(19)~~

31 (l) In 2014, California is charging nonresidents ~~\$1,328~~ \$1,272.50
32 for an elk tag, ~~despite the fact that elk are overwhelmingly abundant~~
33 ~~across the western United States and Canada tag~~. In addition,
34 California has over ~~300~~ 400 elk tags available for hunters, ~~15 times~~
35 ~~an amount that is larger than~~ the number of desert bighorn sheep
36 tags.

37 SEC. 2. Section 709 is added to the Fish and Game Code, to
38 read:

39 709. A nonprofit organization designated by the department
40 to assist in the sale of deer, elk, antelope, or bighorn sheep

fundraising tags that are sold on behalf of the department for the purpose of raising funds for specified programs and projects, pursuant to subdivision (c) of Section 331, subdivision (d) of Section 332, subdivision (a) of Section 4334, or subdivision (d) of Section 4902, is authorized to retain 5 percent of the amount of the sale price of the tag, plus any applicable credit card fees, as a reasonable vendor fee.

SEC. 3. Section 3953 of the Fish and Game Code is amended to read:

3953. (a) The Big Game Management Account is hereby established within the Fish and Game Preservation Fund.

(b) Except as provided in Section 709, all revenues from the sale of antelope, elk, deer, wild pig, bear, and sheep tags, including any fundraising tags, shall be deposited in the Big Game Management Account to permit separate accountability for the receipt and expenditure of these funds. Within 30 days of the date of the sale, the selling nonprofit organization shall send the department ~~a check for~~ 95 percent of the total auction sale price of the tag, *less any applicable credit card fees*, with an itemized receipt showing the sale price and the 5-percent reduction *and any reimbursement for credit card fees* retained by the nonprofit organization as a vendor's fee. ~~If the buyer of the tag paid with a credit card, the nonprofit organization may also deduct the amount of the credit card fee from the selling price, provided a documented accounting of the fee is provided.~~

(c) Funds deposited in the Big Game Management Account shall be available for expenditure upon appropriation by the Legislature to the department. These funds shall be expended solely for the purposes set forth in this section and Sections 3951 and 3952, and Chapter 5 (commencing with Section 450) of Division 1, Chapter 7 (commencing with Section 4650), and Chapter 11 (commencing with Section 4900), including acquiring land, completing projects, and implementing programs to benefit antelope, elk, deer, wild pigs, bear, and sheep, and expanding public hunting opportunities and related public outreach. Any land acquired with funds from the Big Game Management Account shall be acquired in fee title or protected with a conservation easement and, to the extent possible, be open or provide access to the public for antelope, elk, deer, wild pig, bear, or sheep hunting. The department may also use funds from the Big Game

1 Management Account to pay for administrative and enforcement
2 costs of the programs and activities described in this section. The
3 amount allocated from the account for administrative costs shall
4 be limited to the reasonable costs associated with administration
5 of the programs and activities described in this section.

6 (d) The department may make grants to, reimburse, or enter
7 into contracts or other agreements, as defined in subdivision (a)
8 of Section 1571, with nonprofit organizations for the use of the
9 funds from the Big Game Management Account to carry out the
10 purposes of this section, including related habitat conservation
11 projects.

12 (e) An advisory committee, as determined by the department,
13 that includes interested nonprofit organizations that have goals
14 and objectives directly related to the management and conservation
15 of big game species and primarily represent the interests of persons
16 licensed pursuant to Section 3031 shall review and provide
17 comments to the department on all proposed projects funded from
18 the Big Game Management Account to help ensure that the
19 requirements of this section have been met. The department shall
20 post budget information and a brief description on an Internet Web
21 site for all projects funded from the Big Game Management
22 Account.

23 (f) Big game projects authorized pursuant to this section are not
24 subject to Part 2 (commencing with Section 10100) of Division 2
25 of the Public Contract Code or Article 6 (commencing with Section
26 999) of Chapter 6 of Division 4 of the Military and Veterans Code.

27 (g) The department shall maintain the internal accountability
28 necessary to ensure compliance with the collection, deposit, and
29 expenditure of funds specified in this section.

30 SEC. 4. Section 4902 of the Fish and Game Code is amended
31 to read:

32 4902. (a) The commission may adopt all regulations necessary
33 to provide for biologically sound management of Nelson bighorn
34 sheep (subspecies *Ovis canadensis nelsoni*).

35 (b) (1) After the plans developed by the department pursuant
36 to Section 4901 for the management units have been submitted,
37 the commission may authorize sport hunting of mature Nelson
38 bighorn rams. Before authorizing the sport hunting, the commission
39 shall take into account the Nelson bighorn sheep population

1 statewide, including the population in the management units
2 designated for hunting.

3 (2) Notwithstanding Section 219, the commission shall not,
4 however, adopt regulations authorizing the sport hunting in a single
5 year of more than 15 percent of the mature Nelson bighorn rams
6 in a single management unit, based on the department's annual
7 estimate of the population in each management unit.

8 (c) The fee for a tag to take a Nelson bighorn ram shall be four
9 hundred dollars (\$400) for a resident of the state, which shall be
10 adjusted annually pursuant to Section 713. On or before July 1,
11 2015, the commission shall, by regulation, fix the fee for a
12 nonresident of the state at not less than one thousand five hundred
13 dollars (\$1,500), which shall be adjusted annually pursuant to
14 Section 713. Fee revenues shall be deposited in the Big Game
15 Management Account established in Section 3953 and, upon
16 appropriation by the Legislature, shall be expended as set forth in
17 that section.

18 (d) The commission shall annually direct the department to
19 authorize not more than three of the tags available for issuance
20 that year to take Nelson bighorn rams for the purpose of raising
21 funds for programs and projects to benefit Nelson bighorn sheep.
22 These tags may be sold to residents or nonresidents of the State
23 of California at auction or by another method and shall not be
24 subject to the fee limitation prescribed in subdivision (c).
25 Commencing with tags sold for the 1993 hunting season, if more
26 than one tag is authorized, the department shall designate a
27 nonprofit organization organized pursuant to the laws of this state,
28 or the California chapter of a nonprofit organization organized
29 pursuant to the laws of another state, as the seller of not less than
30 one of these tags. The number of tags authorized for the purpose
31 of raising funds pursuant to this subdivision, if more than one,
32 shall not exceed 15 percent of the total number of tags authorized
33 pursuant to subdivision (b). All revenue from the sale of tags
34 pursuant to this subdivision shall be deposited in the Big Game
35 Management Account established in Section 3953 and, upon
36 appropriation by the Legislature, shall be expended as set forth in
37 that section.

38 (e) No tag issued pursuant to this section shall be valid unless
39 and until the licensee has successfully completed a prehunt hunter
40 familiarization and orientation and has demonstrated to the

1 department that he or she is familiar with the requisite equipment
2 for participating in the hunting of Nelson bighorn rams, as
3 determined by the commission. The orientation shall be conducted
4 by the department at convenient locations and times preceding
5 each season, as determined by the commission.

O